

REMARKS

The Applicant thanks the Examiner for the thorough consideration given the present application. Claim 4 is cancelled herein without prejudice to or disclaimer of the subject matter set forth therein. Claims 1-3 and 5-10 are pending. Claims 1-3, 5, 7 and 8 are amended, and claims 9 and 10 are added. Claims 1 and 9 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Allowable Subject Matter

The Examiner states that claim 8 would be allowable if rewritten in independent form and to overcome the rejection under 35 U.S.C. § 112, second paragraph.

The Applicant thanks the Examiner for the early indication of allowable subject matter in this application. Allowable claim 8 has not been rewritten in independent form at this time, since independent claim 1 as amended, and independent claim 9 as added are believed to be in condition for allowance.

Drawings

It is gratefully appreciated that the Examiner has accepted the drawings.

Claim for Priority

It is gratefully appreciated that the Examiner has acknowledged the Applicant's claim for foreign priority.

Information Disclosure Citation

The Applicant thanks the Examiner for considering the reference supplied with the Information Disclosure Statement filed March 1, 2006, and for providing the Applicant with an initialed copy of the PTO form filed therewith.

Substitute Specification

In accordance with MPEP §608.01(q), the Applicant herewith submits a substitute specification in the above-identified application. Also included is a marked-up copy of the original specification which shows the portions of the original specification which are being added and deleted. The Applicant respectfully submits that the substitute specification includes no new matter and that the substitute specification includes the same changes as are indicated in the marked-up copy of the original specification showing additions and deletions.

Because the number of amendments which are being made to the original specification would render it difficult to consider the case, or to arrange the papers for printing or copying, the Applicant has voluntarily submitted this substitute specification. Accordingly, the Applicant respectfully requests that the substitute specification be entered into the application.

Rejection Under 35 U.S.C. § 112, second paragraph

Claims 1-8 stand rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed.

The Examiner has set forth certain instances wherein the claim language lacks antecedent basis or is not clearly understood.

In order to overcome this rejection, the Applicant has amended claims 1-3, 5, 7 and 8 to correct each of the deficiencies specifically pointed out by the Examiner. The Applicant respectfully submits that the claims, as amended, particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections Under 35 U.S.C. §102(e) and §102(b)

Claim 1-3 and 5-7 stand rejected under 35 U.S.C. §102(e) as being anticipated by Seo (U.S. 2005/0028856);

Claim 1-5 and 7 stand rejected under 35 U.S.C. §102(e) as being anticipated by Byun (U.S. 6,929,017); and

Claim 1-3 and 5-7 stand rejected under 35 U.S.C. §102(b) as being anticipated by Liu (U.S. 6,598,614).

These rejections are respectfully traversed.

Independent Claims 1 and 9

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, independent claim 1 is amended herein to recite a combination of elements directed to a foldable tent including subject matter previously set forth in claims 2 and 4.

In addition, independent claim 9 has been added herein to recite a combination of elements directed to a foldable tent including subject matter disclosed in paragraphs [0056] and [0058] of U.S. Publication No. U.S. 2007/0012347 (the present application).

Regarding the Seo Reference

First of all, the Applicant respectfully submits that the rejection under 35 U.S.C. 102(e) based on Seo is not proper. Seo has a 102(e) date of April 27, 2004, which is after the September 2, 2003 filing date of PCT/JP2003/011185, to which the present application claims priority. Therefore, this rejection should be withdrawn.

Nonetheless, while not conceding the appropriateness of the Examiner's rejection, as noted above, independent claim 1 now includes a combination of features including *inter alia*

one of the two connection points at each of the outer poles is adapted to be slidable upwardly and downwardly by a first predetermined distance, and one of the two connection points at the center pole is adapted to be slidable upwardly and downwardly by a second predetermined distance smaller than the first predetermined distance,

wherein the other of the two connection points at each of the outer poles and the center pole not adapted to slide upwardly and downwardly, and

wherein all of the connection points at the outer poles and the center poles are adapted to be rotatable around axes of the poles.

These feature were originally set forth in dependent claim 4 of the present application.

As can be seen in FIG. 7 of Seo (U.S. Patent Application Publication No. 2005/0028856), the reinforcement frames 20 do not connect to the outer poles 12. Therefore, independent claim 1 as amended, and independent claim 9 as added, are not taught or suggested by the disclosure of Seo.

Regarding the Byun Reference

As shown in FIG. 2, in a tent as set forth in independent claims 1 and 9, the connection points on both the upper and lower sides of the reinforcement pipe units with respect to the center pole are at higher positions than the connection points on the lower side of the reinforcement pipe units with respect to the outer poles, when the tent stands on a horizontal surface. As can be seen in FIG 1A of Byun (U.S. Patent No. 6,929,017), this document does not disclose the structure set forth in independent claims 1 and 9.

With the present invention, the connections between the poles and the reinforcement frames, and connection between the center pole and the reinforcement frames are made, and regarding the sliding length in the upward and downward direction at a connection point among the connection points of said connections, where it is allowed to slide upwardly and downwardly as well as to rotate, the length on the outer pole side is larger than the length on the center pole side. By contrast, Byun (U.S. Patent No. 6,929,017) does not disclose this structure, and therefore does not achieve the advantage of being able to apply the principle of leverage, especially in constructing the tent, to lifting the center pole with a small effort, facilitating to spread the covering.

As a result, independent claims 1 and 9, are not taught or suggested by the disclosure of Byun.

Regarding the Lui Reference

As pointed out above, independent claims 1 and 9 now include features that were originally set forth in dependent claim 4. As can be seen in FIG. 1A of Liu (U.S. Patent No. 6,598,614), the reinforcement frames 6 do not connect to the outer poles 1, 1'. Therefore, independent claims 1 and 9, overcomes Examiner's rejection based on Lui.

At least for the reasons explained above, the Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1 and 9 is not disclosed or made obvious by the prior art of record, including Seo, Byun, and Lui.

Therefore, independent claims 1 and 9 are in condition for allowance.

Dependent Claims

The Examiner will note that dependent claims 2, 3, 5, 7, and 8 have been amended, dependent claim 4 has been cancelled, and dependent claim 10 has been added.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §102(e) and 102(b) are respectfully requested.

CONCLUSION


Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030(direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
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By 
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Attachment: Substitute Specification